

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**BARRY S. SPILLER,**

**Plaintiff,**

**v.**

**No. CV 10-584 JB/LAM**

**STATE OF NEW MEXICO, et al.,**

**Defendants.**

**ORDER TO CURE DEFICIENCY**

Plaintiff submitted a civil rights complaint. The Court determines that the document is deficient as described in this order. Plaintiff is directed to cure the following if he wishes to pursue his claims:

**I. Filing Fee.**

\_\_\_\_\_ No filing fee (\$350 civil) has been received.

**II. Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:**

- (1) \_\_\_\_\_ is not filed
- (2) \_\_\_\_\_ is missing affidavit
- (3)   X   is missing certified copy of prisoner's inmate account statement for the 6-month period immediately preceding this filing
- (4) \_\_\_\_\_ is missing required financial information
- (5) \_\_\_\_\_ is missing an original signature by the prisoner
- (6) \_\_\_\_\_ is not on proper form (must use current form)
- (7) \_\_\_\_\_ names in caption do not match names in caption of complaint, petition or habeas application
- (8) \_\_\_\_\_ An original and a copy have not been received by the Court. Only an original has been received.
- (9) \_\_\_\_\_ other \_\_\_\_\_

**III. Complaint, Petition or Application:**

- (1) \_\_\_\_\_ is missing
- (2) \_\_\_\_\_ is not on proper form (must use our form Rev. 5/96)
- (3) \_\_\_\_\_ is missing an original signature by the prisoner

- (4) — is missing page nos. —
- (5) — uses et al. instead of listing all defendants/respondents
- (6) — An original and a copy have not been received by the Court. Only an original has been received.
- (7) — Sufficient copies to serve each defendant/respondent have not been received by the Court.
- (8) — names in caption do not match names in text
- (9) — other \_\_\_\_\_

Papers filed in response to this order must include the civil action number (CV 10-584 JB/LAM) of this case. Failure to cure the designated deficiencies within thirty (30) days from the date of this order may result in **dismissal** of this action without further notice.

**IT IS THEREFORE ORDERED** that Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order;**

**IT IS FURTHER ORDERED** that the Clerk is directed to mail to Plaintiff, together with a copy of this order, the following forms: 2 copies each of Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 and Financial Certificate.

**IT IS FURTHER ORDERED** that, **if Plaintiff fails to cure the designated deficiencies within thirty (30) days from the date of this order, this action may be dismissed without prejudice without further notice.**

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**HONORABLE LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**